

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 09-2051-MD-ALTONAGA

In re

**DENTURE CREAM PRODUCTS
LIABILITY LITIGATION.**

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This Document Relates to All Actions

**CASE MANAGEMENT ORDER NO. 4 REGARDING PLAINTIFF FACT SHEET AND
RELATED AUTHORIZATIONS (CMO 4)**

THIS CAUSE came before the Court on the parties' Joint Notice of Filing Case Management Order No 4 Regarding Plaintiff Fact Sheet and Related Authorizations [D.E. 106], filed September 23, 2009. Being fully advised, it is

ORDERED AND ADJUDGED that:

PURPOSE AND SCOPE OF CMO 4

The purpose of this Order is to approve for use the form of the previously submitted Plaintiff Fact Sheet, and related Authorizations not previously submitted, to set forth procedures for service by Defendants of the Plaintiff Fact Sheet and related Authorizations, and to modify Case Management Order No. 3 — Initial Scheduling and Written Discovery (CMO 3) regarding the due date within which certain Plaintiffs are to serve completed Plaintiff Fact Sheets and executed Authorizations. This Order applies to all cases docketed in MDL-2051 at the time this Order is entered and to related cases later filed in, removed, or transferred to this Court. The “GSK Defendants” referenced in this Order include SmithKline Beecham Corporation d/b/a GlaxoSmithKline, GlaxoSmithKline Consumer Health Care L.L.C., GlaxoSmithKline Consumer

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Healthcare, L.P. and Block Drug Company, Inc. The “P&G Defendants” referenced in this Order include The Procter & Gamble Manufacturing Company and The Procter & Gamble Distributing LLC.

APPROVAL OF PLAINTIFFS’ FACT SHEET AND RELATED AUTHORIZATIONS

1. The form of the previously submitted Plaintiff Fact Sheet is set forth in the attached Exhibit A and is hereby approved for use.
2. The forms of the Authorizations for release of records accompanying Plaintiff Fact Sheet are set forth in the attached Exhibit B and are hereby approved for use.

DUE DATE FOR PLAINTIFFS’ RESPONSES TO PLAINTIFF FACT SHEET AND EXECUTED AUTHORIZATIONS AND MODIFICATION TO CMO NO. 3

3. For cases already docketed in the MDL at the time CMO 3 was entered on September 3, 2009, the due date within which Plaintiffs are to serve completed Plaintiff Fact Sheets and executed Authorizations is governed by Section VI(A)(2) of CMO 3.
4. For all other cases, the due date within which Plaintiffs are to serve completed Plaintiff Fact Sheets and executed Authorizations shall be forty-five (45) days from the date of service by Defendants of Plaintiffs’ Fact Sheet and related Authorizations, as set forth in paragraphs 6 below. Section VI(A)(2) of CMO 3 is modified as set forth in this paragraph. All other provisions of CMO 3 remain in effect. Service by Defendants as set forth in paragraph 6 below may be accomplished (a) electronically via email, (b) by facsimile, or (c) by certified mail, return receipt requested if only a physical address is available.

DEFENDANTS’ SERVICE OF PLAINTIFF FACT SHEET ON CASE-SPECIFIC COUNSEL FOR PLAINTIFF

5. For cases already docketed in the MDL at the time CMO No 3 was entered on September


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3, 2009, Defendants are not required to provide any additional service or notice to Plaintiffs' counsel of Plaintiff Fact Sheet or the related Authorizations. The due date within which Plaintiff must serve completed Plaintiff Fact Sheet and executed Authorizations is governed by Section VI(A)(2) of CMO 3.

6. For all other cases, whether filed outside the Southern District of Florida and subject to transfer to the MDL as a Tag-Along, or filed directly in the Southern District of Florida, the GSK Defendants or the P&G Defendants (as applicable) shall serve on Plaintiff's counsel in that case a copy of (a) Plaintiff Fact Sheet, (b) related Authorizations, (c) Case Management Order No 2. — Confidentiality Agreement and Protective Order (CMO 2); (d) CMO 3; and (e) CMO 4. The due date within which Plaintiff must serve completed Plaintiff Fact Sheet and executed Authorizations shall be forty-five (45) days from the date of service, as set forth in paragraph 4 above.

7. Service on Plaintiff's counsel as described in paragraph 6 above does not constitute waiver of service, waiver of the notice requirements of Section IV(A) of CMO 3, or an appearance by the GSK Defendants or the P&G Defendants in any case.

DONE AND ORDERED in Chambers at Miami, Florida, this 23rd day of September, 2009.


CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record